

8-22. Imminent and Substantial Endangerment (1200 TN 645)


1. **AUTHORITY.** Pursuant to the Solid Waste Disposal Act, including Section 7003:
 - a. To make determinations that the handling, storage, treatment, transportation, or disposal of any solid waste or hazardous waste may present an imminent and substantial endangerment to health or the environment;
 - b. After giving notice to the affected State, to take administrative action including, but not limited to, issuing unilateral orders or orders on consent as may be necessary to protect health and the environment;
 - c. To give notice to appropriate local government agencies upon receipt of information that there is hazardous waste at any site which has presented an imminent and substantial endangerment to human health or the environment, and to require notice of the endangerment to be posted at the site where the waste is located.
2. **TO WHOM DELEGATED.** The authorities in 1.a., 1.b., and 1.c., are delegated to the director, Land and Chemicals Division (LCD); associate director, Office of RCRA Programs, LCD; director, Hazardous Site Cleanup Division (HSCD); and director, Office of Enforcement, Compliance and Environmental Justice (OECEJ).
3. **LIMITATIONS.**
 - a. The authorities in Paragraphs 1.a. and 1.b. shall be exercised subject to directives issued by the AA for OECA.
 - b. The delegates must obtain the advance concurrence of the regional counsel on the legal sufficiency of the action before exercising the authority to issue orders in 1.b. The RC may waive concurrence in writing.
 - c. The delegates must consult with the AA for OECA before exercising the authority to issue orders in Paragraph 1.b. The AA for OECA may waive consultation in writing.
 - d. The director of OECEJ may exercise these authorities only in multi-media cases.
 - e. The director of OECEJ must consult with the LCD delegates before exercising these authorities.
 - f. The AA for OECA must consult with any affected RAs before exercising the authority to issue orders in Paragraph 1.b.

4. REDELEGATION AUTHORITY.

- a. These authorities may be redelegated to the branch chief level, and no further.
- b. This authority may not be redelegated without formal amendment.
- c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. REFERENCES. None.**6. SUPERSESSION.**

- a. Delegations Manual, SDWA, Regional Delegations 8-22-A. Determinations of Imminent and Substantial Endangerment, 1200 TN RIII-164, (September 1, 2005).
- b. Delegations Manual, SDWA, Regional Delegations 8-22-B. Abatement Actions Through Unilateral Orders, 1200 TN RIII-164 (September 1, 2005).
- c. Delegations Manual, SDWA, Regional Delegations 8-22-C. Abatement Actions Through Consent Orders, 1200 TN RIII-163, (November 4, 2004).

Date 3/19/2017
Cecil Rodrigues
Acting Regional Administrator